

## **SUBCHAPTER 11 PESTICIDE GRACE PERIOD REGULATIONS**

### **7:30-11.1 Grace period**

(a) This subchapter identifies violations of this chapter as minor or non-minor in accordance with N.J.S.A. 13:1D-125 et seq., which is commonly known as the Grace Period Law.

(b) The person responsible for any minor violations listed in the table at N.J.A.C. 7:30-11.2 shall achieve compliance within 45 days of the notification of minor violation unless otherwise noted.

(c) A violation shall be designated by the Department as a minor violation if:

1. The violation is not the result of purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;
2. The violation poses minimal risk to the public health, safety, and natural resources;
3. The violation does not materially and substantially undermine or impair the goals of the regulatory program;
4. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department or local government agency;
5. The person responsible for the violation has not been identified in a previous enforcement action by the Department or local government agency as responsible for a violation of the same requirement of the same permit within the preceding 12 month period;
6. In the case of a violation that does not involve a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or local government agency as responsible for the same or a substantially similar violation at the same facility within the preceding 12 month period;
7. In the case of any violation, the person responsible for the violation has not been identified by the Department or a local government agency as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not isolated incidents on the part of the person responsible; and
8. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the period of time prescribed by the Department.

(d) Where the Department, or a local county government agency operating under the County Environmental Health Act (CEHA) N.J.S.A. 26:3A2-21 et seq, discovers a violation which is designated as minor in accordance with the table in N.J.A.C. 7:30-11.2 and in accordance with (b) above, it shall issue a notice of violation to the person responsible for the minor violation which:

1. Identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and
2. Notifies the person responsible for the violation that a penalty may be imposed unless compliance is achieved within the time period provided for the violation as set forth in (a) above.

(e) If the person responsible for a minor violation corrects that violation and achieves compliance within the period specified in the notice of violation issued pursuant to this section, the Department shall not seek penalties for the violation.

1. Any person responsible for a violation may be required to submit to the Department written information as to the corrective action taken or compliance achieved, and shall do so within the prescribed compliance time period provided for the violation in this

subchapter.

(f) If the person responsible for the violation fails to achieve compliance within the period of time specified in the notice of violation, the Department may, in accordance with the provisions of the Act or this chapter, impose a penalty which is retroactive to the date the notice of violation was first issued.

(g) Persons who commit major violations will not be accorded a grace period and are subject to the penalty provisions of the Pesticide Control Act.

## **7:30-11.2 Violation table**

(a) The violations in the table below have been designated as minor or non-minor in accordance with the criteria in N.J.A.C. 7:30-11.1 (c) 2, 3, and 8. In the table, “M” means minor, and “NM” means non-minor. The violation text in the table below is merely a description of a violation and is not intended for use as a guide for regulatory compliance. For the complete text of a rule, refer to the appropriate section and paragraph in this chapter.

| Citation<br>(N.J.A.C. 7:30- | Violation   | M | NM |
|-----------------------------|---|---|----|
| 2.1(a)                      | State Unregistered Product  | M |    |
| 2.1(a)                      | Federal Unregistered Product  |   | NM |
| 2.1(b)                      | Failure to register each pesticide product  | M |    |
| 2.1(c)                      | At the time of registration, failure to file a statement with the Department with the correct information                     | M |    |
| 2.3(a)                      | Failure to submit required EUP information  | M |    |
| 2.3(c)                      | Failure to notify the Pesticide Control Program of specific EUP information   |   | NM |
| 2.5                         | Failure to allow the Department to enter and inspect  |   | NM |
| 2.6(a)                      | Failure of the records to contain the Required information  |   | NM |
| 2.6(a)                      | Failure to maintain or submit any records concerning the delivery, movement, or holding of a pesticide                        |   | NM |
| 2.7(a)                      | Failure to meet pesticide label or container specifications   |   | NM |
| 2.7(d)                      | Detach, alter, deface or destroy, wholly or in part, a pesticide label or labeling  |   | NM |
| 2.7(e)                      | Add a substance to, or remove a substance from, a pesticide in a manner that may defeat the purpose of the Act or regulations |   | NM |
| 2.7(f)                      | Reveal, or use confidential or trade secret information for personal gain   |   | NM |
| 2.7(g)                      | Refuse access to or to copy records of business transactions involving pesticides   |   | NM |

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| 2.7(h)  | Registered pesticide label or labeling missing, obscured, altered, etc.   |   | NM |
| 2.7(i)  | Use or store a pesticide in a manner that may endanger man or his environment or that may contaminate food, feed, or other products   |   | NM |
| 2.7(j)  | Making false or misleading claims through the media relating to the effects of a pesticide, the degree of certification required, or the application methods to be utilized |   | NM |
| 2.9(a)  | Distribute, sell, offer for sale, purchase, or use an EPA suspended or canceled pesticide   |   | NM |
| 2.9(b)  | Use of a tributyl tin (TBT) paint with an unacceptable release rate   |   | NM |
| 2.9(c)  | Distribute or use a state suspended or canceled pesticide   |   | NM |
| 3.1(a)  | Unregistered pesticide dealer   |   | NM |
| 3.3(e)  | Failure to notify the Department of changes in dealer registration information  | M |    |
| 3.6(a)  | Failure to allow entry for inspection, sampling, or collection of records   |   | NM |
| 3.7(a)  | Failure to maintain adequate records of sales of restricted use pesticides  |   | NM |
| 3.7(b)  | Failure to maintain records of sales for the minimum three year period  |   | NM |
| 3.7(c)  | Failure to make records available to the Department upon request  |   | NM |
| 3.8(a)  | Failure to require a purchaser to present a valid license   |   | NM |
| 3.8(b)  | Failure to conduct a sale under the direct supervision of a licensed dealer   |   | NM |
| 3.8(c)1 | Misrepresent the degree of licensing required by the applicator   |   | NM |
| 3.8(c)2 | Disseminate misinformation as to the correct use of a pesticide   |   | NM |
| 3.8(d)  | Failure to inform a dealer or distributor that a pesticide is restricted use  |   | NM |
| 3.9     | Selling a pesticide(s) to an unlicensed person without providing the required information sheet   |   | NM |
| 3.10    | Requiring an unlicensed person to distribute restricted use pesticides  |   | NM |
| 4.1(a)  | Unregistered dealer business  |   | NM |
| 4.1(b)  | Failure to register each pesticide outlet and/or each name  |   | NM |
| 4.1(f)  | Failure of a dealer business to submit names and addresses of all sales persons or agents   | M |    |
| 4.1(h)  | Failure to notify the Department of changes in dealer business registration information   | M |    |

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| 4.1(i) | Failure to post a list of persons to contact in case of a pesticide accident  |   | NM |
| 4.2(a) | Failure to maintain adequate records of sales of restricted use pesticides  |   | NM |
| 4.2(b) | Failure to maintain records of sales for the minimum three year period  |   | NM |
| 4.2(c) | Failure to make records of pesticide sales immediately available to the Department or to medical personnel                            |   | NM |
| 4.2(d) | Failure to keep the records of sale for EUP, Section 18, or 24(c) separately from other records of sale                               |   | NM |
| 4.3(a) | Failure of a dealer business to require the purchaser to present a valid license  |   | NM |
| 4.3(a) | Selling a restricted use pesticide to an unlicensed person  |   | NM |
| 4.3(b) | Failure to inform a dealer or distributor that a pesticide is restricted use  |   | NM |
| 4.4(a) | Selling a pesticide to an unlicensed person without providing the required information sheet  |   | NM |
| 4.5(a) | Failure to allow entry for inspection, sampling or collection of records  |   | NM |
| 4.6    | Requiring an unlicensed person to sell restricted use pesticides  |   | NM |
| 5.1(a) | Unlicensed commercial pesticide operator  |   | NM |
| 5.1(d) | A commercial pesticide operator supervised the use of a pesticide   |   | NM |
| 5.3(f) | Failure to notify the Department of a change in registration information  | M |    |
| 5.3(g) | Failure of the co-signer for an commercial pesticide operator license to notify the Department of changes in registration information | M |    |
| 5.3(h) | Failure of a commercial pesticide operator to maintain his license on his person during pesticide application                         | M |    |
| 5.6    | Failure to allow entry for inspection, sampling or collection of records  |   | NM |
| 6.1(a) | Unlicensed commercial applicator  |   | NM |
| 6.4(e) | Failure to notify the Department of changes in commercial pesticide applicator license information                                    | M |    |
| 6.4(f) | Failure of a commercial pesticide applicator to maintain his license on his person during pesticide application                       | M |    |
| 6.7(a) | Failure to allow entry for inspection, sampling, or collection of records   |   | NM |
| 6.8(a) | Failure of a commercial pesticide applicator to maintain adequate records of pesticide applications                                   |   | NM |
| 6.8(b) | Failure of a commercial pesticide applicator to maintain a listing of the pesticides applied  |   | NM |

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| 6.8(c) | Failure of a commercial pesticide applicator, to maintain records for the minimum time period required                                       |   | NM |
| 6.8(d) | Failure to make records of pesticide applications immediately available to the Department or medical personnel                               |   | NM |
| 6.8(e) | Failure to provide a copy of the application record to a customer upon written request   |   | NM |
| 6.8(f) | Failure to provide an agricultural employer with the information required.   |   | NM |
| 6.8(g) | Failure to keep records of application for EUP, Section 18, and 24(c) pesticides separately  |   | NM |
| 6.10   | Failure to present a valid license when purchasing a restricted use pesticide  |   | NM |
| 6.12   | Requiring an unlicensed individual to make a pesticide application   |   | NM |
| 7.1(a) | Unlicensed applicator business   |   | NM |
| 7.1(c) | Failure to register each place of business or each business name   |   | NM |
| 7.1(d) | Failure of a business to employ at least one commercial pesticide applicator certified and registered in the proper category or subcategory. |   | NM |
| 7.1(e) | Failure of a business to prominently display the required information on every service vehicle   | M |    |
| 7.1(f) | Failure of a business to notify the Department of changes in license information   | M |    |
| 7.1(g) | Failure to pay the required fee for each year the unregistered business was in operation   |   | NM |
| 7.2    | Failure to allow entry to inspect, sample, or collect records  |   | NM |
| 7.3(a) | Failure to maintain adequate records of application  |   | NM |
| 7.3(b) | Failure of a commercial pesticide applicator business to maintain adequate required records  |   | NM |
| 7.3(c) | Failure of a business to maintain records of pesticide application for the minimum time period   |   | NM |
| 7.3(d) | Failure to make records application immediately available to the Department or medical personnel   |   | NM |
| 7.3(e) | Failure of a business to provide a customer with a copy of the application record upon request   |   | NM |
| 7.3(f) | Failure to provide an agricultural employer with the information required  |   | NM |
| 7.3(g) | Failure to keep records of application for EUP, Section 18, and 24(c) pesticides separately  |   | NM |
| 7.4(a) | No proof of insurance  |   | NM |
| 7.5    | Requiring an unlicensed individual to make a pesticide application   |   | NM |
| 8.1(a) | Unlicensed private applicator  |   | NM |

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| 8.3(d)  | Failure of a private pesticide applicator to notify the Department of changes in license information  | M |    |
| 8.7(a)  | Failure to allow entry for inspection, sampling or collection of records.   |   | NM |
| 8.8(a)  | Failure to maintain adequate records of pesticide applications  |   | NM |
| 8.8(b)  | Failure of a private pesticide applicator to maintain adequate required records   |   | NM |
| 8.8(c)  | Failure of a private pesticide applicator to maintain application records for the minimum of three years                                    |   | NM |
| 8.8(d)  | Failure to make records application immediately available to the Department or to medical personnel   |   | NM |
| 8.8(f)  | Failure to keep records of application for EUP, Section 18, and 24(c) pesticides separately   |   | NM |
| 8.9     | Failure to present a valid license when purchasing a restricted use pesticide   |   | NM |
| 8.10    | Requiring an unlicensed individual or untrained handler to apply pesticides   |   | NM |
| 9.1(a)  | Failure to conform to the applicable State guidelines while performing a mosquito or fly control application                                |   | NM |
| 9.2(a)  | Failure to obtain a Mosquito/Fly permit prior to the application  |   | NM |
| 9.2(f)  | Failure to coordinate a community or area wide mosquito control program with the county agency  |   | NM |
| 9.3(a)  | Failure to obtain an aquatic pesticide permit   |   | NM |
| 9.3(c)2 | Failure to provide the Department with the information required as a condition for evaluation/approval of the aquatic pesticide application | M |    |
| 9.3(c)3 | Failure to submit the requested report as a condition for aquatic pesticide permit approval   | M |    |
| 9.3(c)4 | Failure to notify the Department of a change in an aquatic pesticide application and failure to obtain approval prior to the application    |   | NM |
| 9.3(e)  | Failure to fulfill all conditions of aquatic use permit   |   | NM |
| 9.4(a)  | Failure to comply with notification provisions  |   | NM |
| 9.4(b)  | Failure to provide label and/or exact treatment date  |   | NM |
| 9.4(c)  | Failure to post or inadequate posting   |   | NM |
| 9.4(d)  | Failure to notify specific aquatic users  |   | NM |
| 9.4(e)  | Failure to comply with Community & Area wide notification   |   | NM |
| 9.5(a)  | Storing a restricted use pesticide; not posted with a warning sign.   |   | NM |
| 9.5(a)  | Failure to store a restricted use pesticide properly  |   | NM |
| 9.5(b)  | Failure to maintain, or send the list of pesticides stored (and location) to the local fire company with cover letter                       |   | NM |

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| 9.5(c)  | Failure to properly store a restricted use pesticide in a building used as a private residence                                      |   | NM |
| 9.5(d)  | Failure to properly store a restricted use pesticide in a commercial building or institution  |   | NM |
| 9.5(e)  | Storing a restricted use fumigant in a multi-family private residence, or multi-unit commercial establishment or institutions       |   | NM |
| 9.5(f)  | Failure to comply with service vehicle requirements   |   | NM |
| 9.5(g)  | Storage of a pesticide near food or animal feed   |   | NM |
| 9.5(h)  | Failure of any person who stores or displays any pesticide to have equipment immediately available for spill response and clean up. |   | NM |
| 9.6(a)  | EPA registered label is missing, obscured, altered, or unreadable   |   | NM |
| 9.6(b)  | Failure to comply with service container requirements   |   | NM |
| 9.6(c)  | Placing or keeping a pesticide in a container commonly used for food, drink, or household products                                  |   | NM |
| 9.7(a)  | Disposal of a pesticide in a manner that caused harm or injury to persons or the environment  |   | NM |
| 9.8(a)  | Failed to immediately contain, cover, or remove a pesticide spill   |   | NM |
| 9.8(c)  | Failure of responsible persons to immediately notify the Department of a spill or incident  |   | NM |
| 9.8(d)  | Failure to dispose of any pesticide released as a result of an emergency, in accordance with a Department approved plan             |   | NM |
| 9.8(e)  | The written plan for disposal failed to satisfy the Department  | M |    |
| 9.9(a)  | Failure to properly maintain the application equipment  |   | NM |
| 9.9(b)  | Failure to properly calibrate the application equipment   |   | NM |
| 9.9(c)  | Failure to supply safety equipment in good working order and train employees in its proper use                                      |   | NM |
| 9.9(d)  | Failure to wear the appropriate safety equipment while mixing or loading 2,4-D  |   | NM |
| 9.10(a) | Failure to provide community or area wide notification  |   | NM |
| 9.11(a) | Failure to provide beekeeper notification   |   | NM |
| 9.11(b) | Failure to provide all beekeeper notification information required  |   | NM |
| 9.11(h) | Failure to provide updated notification the night prior to the new application date   |   | NM |

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| 9.11(j)    | Perform a community or area wide application on hardwood tree species within one mile of a commercial blueberry field during the period April 15 through May 31. |  | NM |
| 9.12(b)1   | Failure to provide a Consumer Information Notice to a single family resident   |  | NM |
| 9.12(b)2   | Failure to provide the specific date of pesticide application or copies of labels upon request   |  | NM |
| 9.12(c)1   | Failure to post a decal notice in each unit prior to the start of the application  |  | NM |
| 9.12(c)2   | Failure to post the decal prominently in the appropriate location  |  | NM |
| 9.12(c)3   | Failure to provide a copy of all information required in N.J.A.C. 7:30-9.11(b)4.i.-ix. Upon request  |  | NM |
| 9.12(c)5   | Failure to provide prior notification of the specific date of application upon request by the tenant or resident.  |  | NM |
| 9.12(d)1   | Failure to properly notify at institutions, commercial or public buildings   |  | NM |
| 9.12(d)2   | Failure to provide prior notification of the specific date of application or a copy of the labels of pesticides upon request                                     |  | NM |
| 9.12(d)3   | Failure to post notification information in the institution, commercial or public building   |  | NM |
| 9.12(d)4   | Failure to post and maintain appropriate notification sign in a large public place   |  | NM |
| 9.12(e)    | Failure to properly notify adjoining residents when using aerosols or fogs   |  | NM |
| 9.13(b)1   | Failure to post signs when making turf and/or ornamental applications  |  | NM |
| 9.13(b)2   | Failure to provide a Consumer Information Notice   |  | NM |
| 9.13(b)3   | Failure to provide prior notification of the specific date of the pesticide application upon request   |  | NM |
| 9.13(c)1   | Failure to post signs at a multi-family residence, industrial or commercial building   |  | NM |
| 9.13(c)2   | Failure to provide a Consumer Information Notice at a multi-family residence industrial or commercial building   |  | NM |
| 9.13(c)3   | Failure to provide the specific date of pesticide application upon request   |  | NM |
| 9.13(d)1   | Failure to post proper notification signs at a golf course   |  | NM |
| 9.13(d)1ii | Failure to make the necessary changes to the required notification information on the signs at the starting tees.  |  | NM |
| 9.13(d)2   | Failure to supply information requested by any person in writing   |  | NM |

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| 9.13(d)3   | Failure to supply notification information to the residents pursuant to 9.13(a)2., and post pursuant to 9.13(a)1       |  | NM |
| 9.13(d)4   | Failure to post treated areas not part of the actual playing course pursuant to 9.13(a)1.                              |  | NM |
| 9.13(e)1-6 | Failure to post properly at a school, institution, park, or similar site   |  | NM |
| 9.13(e)7   | Failure to provide a Consumer Information Notice to contracting party  |  | NM |
| 9.14       | School notification concepts. Actual citations will be supplied in the proposal  |  | NM |
| 9.15(a)    | Failure to give notification when requested or under conditions which indicated that notification was necessary        |  | NM |
| 9.15(b)    | Failure to give notification or take reasonable precautions before application may commence                            |  | NM |
| 9.16       | Failure to comply with or inadequate general agricultural notification   |  | NM |
| 9.17(a)    | Failure to notify the Department of a reportable pesticide spill   |  | NM |
| 9.17(b)    | Failure to immediately report a spill by telephone to the Department Hotline, and file a written report within 10 days |  | NM |
| 10.2(a)    | Pesticide label violation  |  | NM |
| 10.2(b)    | Transporting, handling, storing, mixing or loading a pesticide that caused harm injury or damage or risk               |  | NM |
| 10.2(c)    | Applying a pesticide that causes harm, injury or damage or risk  |  | NM |
| 10.2(d)    | Directly applying a pesticide to a non-target site   |  | NM |
| 10.2(e)    | Applying a pesticide without taking reasonable precautions, before, during and after the application                   |  | NM |
| 10.2(f)    | Drift or other movement of a pesticide to a non-target site  |  | NM |
| 10.2(g)    | Cleaning or rinsing container or application equipment in a manner that caused harm, damage or injury, or risk         |  | NM |
| 10.2(h)    | Failure to have back-flow prevention   |  | NM |
| 10.2(i)    | Failure to have the label for the pesticide at the application or mixing site  |  | NM |
| 10.2(j)    | Applying a pesticide when people were within the boundaries of the target site to which the pesticide was applied      |  | NM |
| 10.2(k)    | Performing a community or area wide pesticide application for gypsy moth control during normal student commuting times |  | NM |
| 10.2(l)    | Failure to have a properly licensed applicator present at a fumigation location for the duration of the application    |  | NM |

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| 10.2(m)  | Application of a pesticide containing diazinon to a sod farm, golf course, or other turf areas greater than three acres.                             |  | NM |
| 10.2(n)  | Applying a pesticide in or around a school during normal school hours where students would contact treated areas                                     |  | NM |
| 10.2(o)1 | Application of a TBT antifoulant paint outside of a commercial boat yard.  |  | NM |
| 10.2(o)2 | Application of a TBT antifoulant paint to a vessel which did not exceed 25 meters (82.02 feet) in length and/or which did not have an aluminum hull. |  | NM |
| 10.2(p)  | Pinelands use restriction  |  | NM |
| 10.3(a)  | Failure to use tamper-resistant bait boxes when needed   |  | NM |
| 10.3(b)  | Failure to properly label a bait box   |  | NM |
| 10.3(b)  | Failure to secure bait box when necessary  |  | NM |
| 10.3(d)  | Failure to remove all accessible bait  |  | NM |
| 10.4(a)  | Failure to have licensed applicator on site for termite application  |  | NM |
| 10.4(b)  | Failure to pressure test termite application equipment   |  | NM |
| 10.4(c)  | Failure to have a properly operating pressure gauge  |  | NM |
| 10.4(d)  | Cite 10.2(h)   |  | NM |
| 10.4(e)  | Failure to properly route hoses through a structure  |  | NM |
| 10.4(g)1 | Failure to follow termiticide restrictions for hollow block, brick, or tile foundation   |  | NM |
| 10.4(g)2 | Failure to follow termiticide restrictions for rubble/stone foundations  |  | NM |
| 10.4(h)  | Failure to follow termiticide restrictions for basement floors   |  | NM |
| 10.4(i)  | Failure to follow termiticide restrictions for crawlspaces   |  | NM |
| 10.4(i)3 | Failure to follow termiticide restrictions for plenum crawlspaces  |  | NM |
| 10.4(j)  | Failure to follow termiticide restrictions for inaccessible spaces.  |  | NM |
| 10.4(k)  | Failure to follow termiticide restrictions for slabs   |  | NM |
| 10.4(m)1 | Failure to follow termiticide restrictions for wells   |  | NM |
| 10.4(n)  | Failure to follow retreatment restrictions   |  | NM |
| 10.4(p)  | Failure to provide proper notification for termiticide treatment   |  | NM |
| 10.4(r)  | Failed to keep a proper diagram of the structure treated   |  | NM |
| 10.5     | Organochlorine restrictions  |  | NM |

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| 10.6(b)     | Failure of a pilot to learn and confirm:<br>1. The boundaries and exact location of the target area.<br>2. The identity of non-target area and safety hazards |   | NM |
| 10.6(c)     | Failure to thoroughly rinse spray and spreading equipment after each application  |   | NM |
| 10.6(d)     | Failure to maintain proof of proper calibration of aerial application equipment   |   | NM |
| 10.6(d)     | Failure to provide proof of calibration of application equipment to the Department upon request   |   | NM |
| 10.6(d)     | Failure to properly calibrate application equipment   |   | NM |
| 10.6(i)     | Failure to have spray or spreading equipment free of leaks and/or have a positive shutoff system  |   | NM |
| 10.6(j)     | The shape of the tank or hopper of the spray or spreading equipment did not allow for complete drainage   |   | NM |
| 10.6(l)     | Aerially releasing a pesticide more than 15 feet above the target, or more than 50 feet above a forest and/or trees   |   | NM |
| 10.6(m)     | Aerially releasing a pesticide formulated as dry granules or pellets more than 40 feet above the target   |   | NM |
| 10.6(n)     | Making an aerial pesticide application for a non-agricultural purpose using any aircraft on a target site less than three contiguous acres in size.           |   | NM |
| 10.6(o)     | Failure to obtain the required information for the consent agreement  | M |    |
| 10.6(o)     | Failure to obtain consent for aerial application  |   | NM |
| 10.6(p)     | Making an aerial pesticide application to a field which was not part of a larger field of 3 or more acres   |   | NM |
| 10.6(q)     | Failure to follow buffer zone restrictions for aerial applications  |   | NM |
| 10.6(r)     | Directly applying a pesticide by aircraft to a right-of-way of a public road which was not included in the target site  |   | NM |
| 10.6(s)     | Depositing a pesticide by aircraft within 100 feet of a private residence without obtaining written consent or without including required information         |   | NM |
| 10.6(s)4ii  | Failure to maintain copies of consent agreements obtained   |   | NM |
| 10.6(s)4iii | Failure to provide a copy of a consent agreement to the Department upon request   |   | NM |
| 10.6(t)     | Aerially applied a broad-spectrum pesticide for non-agricultural purposes.  |   | NM |

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| 10.6(u)  | Failed to petition the Department for approval to use a broad-spectrum pesticide   |   | NM |
| 10.6(v)  | Failed to inform the Department of the application and provide justification   |   | NM |
| 10.6(w)  | Failed to request a waiver from the provisions of 9.10   |   | NM |
| 10.6(x)  | Applied a pesticide by aerial application equipment, without the pesticide being specifically labeled for aerial application   |   | NM |
| 10.7(a)  | Failure to conduct a clean up  |   | NM |
| 10.7(b)  | Failure to notify the Department that a clean up had been completed and/or failure to provide analytical results   |   | NM |
| 10.9(a)  | Failure to submit to the Department the required information regarding pesticide use   | M |    |
| 10.9(b)  | Failure to provide additional information relating a specific pesticide or type of pesticide requested by the Department   |   | NM |
| 12.1(a)  | Failure of an agricultural employer or the handler employer to meet the requirements of this section   |   | NM |
| 12.1(b)  | Preventing, discouraging or taking retaliatory action for attempts made by any worker or handler from complying or attempting to comply with any of the requirements of this subchapter  |   | NM |
| 12.3(a)  | Allowing or directing a person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area  |   | NM |
| 12.3(b)  | During a pesticide application in a nursery, allowing or directing a person, other than an appropriately trained and equipped handler, to enter or to remain in the entry-restricted area  |   | NM |
| 12.3(c)1 | Allowing or directing a person, other than an appropriately trained and equipped handler, to enter or remain in a greenhouse prohibited area prior to the inhalation exposure level the labeling requires is achieved or ventilation criteria is met |   | NM |
| 12.3(c)2 | Allowing or directing a worker to enter a greenhouse restricted-entry area before the restricted-entry interval expires  |   | NM |
| 12.3(c)3 | Failure to achieve inhalation exposure requirements in a greenhouse as indicated on the pesticide label  |   | NM |
| 12.4(a)  | Allowing or directing a worker to enter or remain in the treated area before the restricted-entry interval expires   |   | NM |
| 12.4(a)3 | Failing to assure that any worker who enters a treated area under a restricted-entry interval uses the personal protective equipment specified in the product labeling   |   | NM |

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| 12.5(a)1 | Failure of an agricultural employer to notify workers of any pesticide application in a greenhouse by posting   |  | NM |
| 12.5(a)2 | Failure of an agricultural employer to notify workers of a pesticide application in a greenhouse by posting and oral notification when necessary                    |  | NM |
| 12.5(b)1 | Failure of an agricultural employer to notify workers of any pesticide application on a farm, nursery or forest, by posting and by oral notification when necessary |  | NM |
| 12.5(b)2 | Failure of an agricultural employer to inform workers of which method of notification is in effect  |  | NM |
| 12.5(b)2 | Failure of an agricultural employer to notify workers of a pesticide application on a farm, in a nursery or a forest either orally or by posting                    |  | NM |
| 12.5(c)  | Failure of an agricultural employer to properly post warning signs  |  | NM |
| 12.5(d)  | Failure of an agricultural employer to provide oral warnings to workers   |  | NM |
| 12.6(a)  | Failure of an agricultural employer to display specific information about a pesticide   |  | NM |
| 12.6(b)  | Failure of an agricultural employer to display information about a pesticide application in the proper location   |  | NM |
| 12.6(c)  | Failure to post specific information about a pesticide application at the correct time or for the correct duration  |  | NM |
| 12.6(d)  | Failure of an agricultural employer to display specific information about a pesticide   |  | NM |
| 12.6(e)  | Failure to keep an approved fact sheet on file and make it readily available to the workers in a language they understand   |  | NM |
| 12.7(a)  | Failure of an agricultural employer to provide to a handler employer specific information about treated areas   |  | NM |
| 12.8(a)  | Failure of the agricultural employer to assure that each worker has been trained properly   |  | NM |
| 12.8(b)  | Failure of an agricultural employer to assure that a worker has been trained before a worker enters a treated area  |  | NM |
| 12.8(c)  | Failure of the agricultural employer to assure that the worker has been provided necessary pesticide safety information   |  | NM |
| 12.8(c)1 | Failure of the agricultural employer to train workers prior to the sixth day that the workers enter any areas treated within the last 30 days                       |  | NM |

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| 12.8(e)   | Failure to provide the required pesticide safety information to workers or failure to provide the information in a manner that the workers can understand |   | NM |
| 12.8(f)   | Failure to present pesticide safety information to workers either orally or audiovisually in a manner they can understand                                 |   | NM |
| 12.8(f)1  | The person conducting the worker training failed to meet the criteria   |   | NM |
| 12.8(f)2  | Failure to assure that a worker who received a card had been trained  |   | NM |
| 12.8(f)3  | The training materials did not convey the required information  |   | NM |
| 12.8(i)   | Failure to provide educational pamphlets  |   | NM |
| 12.8(n)   | Failure to cease training during the time period for which trainer recognition has been revoked or suspended  |   | NM |
| 12.8(q)   | Failure of a trainer to keep a training roster for each worker or handler trained in New Jersey   |   | NM |
| 12.8(r)   | Failure to maintain all training rosters for a minimum of five years  |   | NM |
| 12.8(s)   | Failure to provide all training rosters immediately upon request by the Department  |   | NM |
| 12.8(t)   | Failure to send a list of all workers trained to the Department   | M |    |
| 12.9(a)   | Failure of an agricultural employer to display pesticide safety information when required   |   | NM |
| 12.9(b)   | Failure to display a safety poster that conveys, at a minimum, the required basic concepts  |   | NM |
| 12.9(c)   | Failure to display emergency medical care information   |   | NM |
| 12.9(c)1  | Failure of the agricultural employer to inform workers promptly of any changes to the emergency medical care information                                  |   | NM |
| 12.9(d)   | Failure to post safety information in the proper location   |   | NM |
| 12.9(e)   | Failure to inform workers of the location of the safety poster or allow access to the information   |   | NM |
| 12.9(f)   | Failure to assure that safety poster information remained legible   |   | NM |
| 12.10(a)  | Failure of an agricultural employer to provide a decontamination site   |   | NM |
| 12.10(b)  | Failure of the agricultural employer to provide workers with enough water of required quality for routine washing and emergency eye flushing              |   | NM |
| 12.10(b)1 | Failure to equip a water tank with properly functioning valves that prevent movement of pesticides into the tank, when necessary                          |   | NM |

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| 12.10(b)2 | Failure of the agricultural employer to provide sufficient soap and single-use towels at each decontamination site  |  | NM |
| 12.10(b)3 | Failure of the agricultural employer to provide sufficient water when labeling requires protective eyewear  |  | NM |
| 12.10(c)  | Failure to place the decontamination site at the same site as the portable toilet or make it reasonably accessible to workers   |  | NM |
| 12.10(c)2 | Placing the decontamination site in an area being treated with pesticides   |  | NM |
| 12.10(c)3 | Placing the decontamination site in an area that is under a restricted-entry interval, where the workers for whom the site is provided were not performing early-entry activities                 |  | NM |
| 12.10(d)  | Failure of the agricultural employer to provide early-entry workers soap, clean towels, and a sufficient amount of water so that the workers may wash thoroughly                                  |  | NM |
| 12.11(a)1 | Failure of an agricultural employer to provide emergency medical transportation   |  | NM |
| 12.11(a)2 | Failure of an agricultural employer to provide information in a medical emergency   |  | NM |
| 12.13(a)  | Allow pesticide drift onto anyone other than an appropriately trained and equipped handler  |  | NM |
| 12.13(b)  | Failure of the handler employer to assure that a handler is monitored visually or by voice communication at least every 2 hours when required   |  | NM |
| 12.13(c)  | Failure of the handler employer to assure that a handler maintains continuous visual or voice contact with another handler when required, and that there is immediate access to the necessary PPE |  | NM |
| 12.14(a)  | Failure of an agricultural employer to display specific information when required   |  | NM |
| 12.14(b)  | Failure to display specific information about pesticides for pesticide handlers in the correct location or in the correct manner  |  | NM |
| 12.14(c)  | When warning signs are posted for the treated area before an application, failure to post the specific application information for that application at the same time or earlier.                  |  | NM |
| 12.14(c)1 | Failure to post specific application information at the correct time or for the correct duration  |  | NM |
| 12.14(d)  | Failure to post the required information for a pesticide application for the benefit of handlers  |  | NM |

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| 12.14(e)1 | Failure to keep an approved fact sheet on file and made readily available to the handlers in a language they understand  |   | NM |
| 12.15(a)  | Failure of a handler employer, commercial pesticide applicator and/or pesticide applicator business to notify the agricultural employer, owner or lessee responsible for the field being treated of the required information before the application was made |   | NM |
| 12.16(a)  | Failure to train a handler   |   | NM |
| 12.16(c)  | Failure to present pesticide safety information either orally or audiovisually in a manner that the handlers can understand  |   | NM |
| 12.16(c)1 | Failure of a person conducting handler training to meet the required criteria  |   | NM |
| 12.16(c)2 | Failure to assure that a handler who received a verification card was trained  |   | NM |
| 12.16(c)3 | The materials used to train handlers did not convey the required minimum information   |   | NM |
| 12.16(f)  | Failure to annually provide educational pamphlets as required  |   | NM |
| 12.16(k)  | Training handlers or workers during the time period for which trainer recognition has been suspended or revoked  |   | NM |
| 12.16(n)  | Failure of a handler trainer to keep a training roster for each handler or worker trained  |   | NM |
| 12.16(o)  | Failure to maintain all handler training rosters for a minimum of five years   |   | NM |
| 12.16(p)  | Failure to provide all handler training rosters immediately upon request by the Department   |   | NM |
| 12.16(q)  | Failure to send a list of all handlers and workers trained to the Department   | M |    |
| 12.17(a)  | Failure of the handler employer to assure that the handler either read the product labeling or had been informed of necessary labeling requirements  |   | NM |
| 12.17(a)1 | Failure of the handler employer to assure that the handler has access to the product labeling information during handling activities   |   | NM |
| 12.17(b)  | Failure of a handler employer to assure that a handler is aware of the required information concerning any pesticide treated areas   |   | NM |
| 12.18(a)  | Failure of the handler employer to assure that a handler is instructed in the safe operation of equipment, including, when relevant, chemigation safety requirements and drift avoidance   |   | NM |
| 12.18(b)  | Failure of the handler employer to assure that equipment is in good working order  |   | NM |

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| 12.18(c)  | Failure of the handler employer to assure that pesticide residues have been removed from equipment before allowing any person to repair, clean, or adjust the equipment, or the person is informed of appropriate safety precautions |  | NM |
| 12.19(a)  | Failure of a handler employer to display pesticide safety information for handlers who are not employed by a commercial handling establishment   |  | NM |
| 12.19(b)  | Failure of a handler employer to display a safety poster that conveys, at a minimum, the required basic pesticide safety concepts  |  | NM |
| 12.19(c)  | Failure of a handler employer to display emergency medical care information  |  | NM |
| 12.19(c)1 | Failure of a handler employer to inform handlers promptly of any change to the information on emergency medical care   |  | NM |
| 12.19(d)  | Failure of a handler employer to display safety information in a central location where it can be readily seen and read by handlers  |  | NM |
| 12.19(e)  | Failure of a handler employer to inform handlers of the location of, or allow access to, the information concerning emergency medical care facilities  |  | NM |
| 12.19(f)  | Information concerning emergency medical care facilities was not legible during the time it was posted   |  | NM |
| 12.20(a)  | Failure of a handler to use the clothing and PPE specified on the labeling for the use of the product while performing pesticide handler tasks   |  | NM |
| 12.20(c)  | Failure of the handler employer to provide appropriate PPE to the handler when required  |  | NM |
| 12.20(d)  | Failure to follow conditions for exception to PPE requirements   |  | NM |
| 12.20(e)  | Failure of a handler employer to assure that PPE is used correctly and maintained properly   |  | NM |
| 12.20(f)  | Failure of handler employer to assure that all PPE is cleaned, maintained, stored, disposed, or used according to the manufacturer's instructions, pesticide label, or regulations   |  | NM |
| 12.20(g)  | Failure of a handler employer to take appropriate measures, if necessary, to prevent heat-related illness  |  | NM |
| 12.21(a)  | Failure of a handler employer to provide a decontamination site  |  | NM |
| 12.21(b)  | Failure of a handler employer to provide water for routine washing, for emergency eye flushing, and for washing the entire body in case of an emergency  |  | NM |

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| 12.21(b)  | Failure of the handler employer to assure that water was of a quality and temperature that did not cause illness or injury when it contacted the skin or eyes, or if swallowed |  | NM |
| 12.21(b)  | Failure to equip a water tank with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank, when necessary                           |  | NM |
| 12.21(b)  | Failure of a handler employer to provide sufficient soap and single-use towels, and a change of clothing, at each decontamination site   |  | NM |
| 12.21(c)  | Failure of a handler employer to provide a decontamination site and/or provide it at the required location   |  | NM |
| 12.21(c)3 | Failure of a handler employer to provide soap, single-use towels, and water at the location required   |  | NM |
| 12.21(d)  | Failure of a handler employer to assure that at least 1 pint of water is immediately available to each handler when required   |  | NM |
| 12.21(e)  | Failure of a handler employer to provide, at the site where handlers remove PPE, soap, clean towels, and a sufficient amount of water  |  | NM |
| 12.22(a)  | Failure to provide a handler with transportation, or provide medical personnel with required information in a medical emergency involving pesticides                           |  | NM |